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Researching cross-national policy mobilities in crime control

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Abstract:

The empirical study of 'policy transfer' and related topics remains a relatively rare enterprise in criminology. Comparative studies of crime control policy tend to focus on broader structural explanations on the one hand, or more specific socio-cultural analyses on the other. By contrast, scholars from other disciplinary traditions – including political science, public administration, comparative social policy, and human geography – have developed a vibrant body of empirical research into the dynamics and impacts of cross-jurisdictional flows of policy ideas, programmes and practices. This research provides helpful methodological pointers to criminologists interested in carrying out such work within the field of crime control. This paper argues that the relative lack of empirical research on cross-national crime policy movement arises from two main factors: first, a generalised sense that the topic is of rather minor importance and second, a lack of methodological clarity about how such research might proceed. Such methodological barriers have arguably been further strengthened by major critiques of the political science frameworks of 'policy transfer' that have been influential in the field. We view cross-national policy movement as an important subject for empirical criminological inquiry, and consider extant methodological approaches and potential future directions, drawing in particular on wider work within political science and human geography. There is significant potential for criminologists to learn from, and contribute to, the methodological approaches deployed by researchers from other disciplines and thus enhance knowledge about the concept of policy mobilities.

Introduction¹

This paper reflects on issues of research design and methodology in the study of crime policy 'transfer' and related concepts - matters rarely dealt with explicitly in any detail in the literature. Cross-national policy movement is an important research focus in several disciplinary areas including political science, public administration, comparative social policy and human geography. This reflects a strong perception that 'learning from elsewhere' is an increasingly staple feature of the policy-making process and that public policy ideas and programmes are circulating between countries with increasing frequency and velocity (Peck and Theodore 2009).

However, whilst criminologists acknowledge the complex, dynamic and multi-scalar nature of crime and crime control policy, to date the empirical study of crime policy flows has been rather marginal to criminological thinking. This partly reflects a long-standing tendency of criminologists to focus upon the broad trajectories and general impact of crime control policies, rather than detailed empirical examinations of their provenance. It may also reflect assumptions that where 'policy transfers' occur they can be understood in a relatively straightforward manner that does not require much further reflection or methodological debate. We view cross national crime policy movement as an interesting and important phenomenon that requires further empirical and conceptual attention from criminologists. The paper examines the approaches adopted by researchers in the relatively rare studies of cross national crime policy movement that have been conducted, before moving on to assess the main methodological challenges faced by researchers in this field, drawing on broader work about policy transfer and 'policy mobilities'. The paper then considers ways forward for criminologists interested in studying this phenomenon that are both valid and practicable.

¹¹ The authors would like to thank Andy Aitchison, Adam Edwards, Jo Ingold, Clive Walker and the two anonymous reviewers for their very helpful comments on earlier drafts of this paper

The study of cross-national policy movement has been a focus of a substantial body of research in other disciplines (Dolowitz and Marsh 2000, Marsh and Evans 2012, McCann and Ward 2012a, Peck and Theodore 2010). As argued in detail elsewhere (Newburn *et al.* 2018), there are many reasons why the study of cross-national policy movement appears to be of growing importance to criminology. Within the field of crime control, as with other areas of public policy, the increasingly inter-connected nature of the world makes the circulation of policy ideas and approaches an important empirical phenomenon requiring investigation. There is, of course, long-standing criminological interest in comparative crime control and what explains similarities and differences in varying jurisdictions (Downes, 1988, Garland 2001, Cavadino and Dignan 2005, Lacey 2011). Such studies provide important insights into both the broader macro-social influences over crime control policy, and the association of distinctive political institutional structures with different policy approaches. But they provide limited empirical engagement with the *processes* of policy change and the role of cross-national movement of policy ideas and practices. Although some criminologists discuss the international 'import-export trade' in crime and security policies (Wacquant 1999, Hallsworth and Lea 2011, Roach 2011), detailed empirical studies remain rare.

In a thoughtful review of cross-national comparison in contemporary criminological scholarship, Michael Tonry (2015: 506) identifies three 'latent' functions of such research. The first two are directly associated with 'policy transfer': to help policy-makers look across national boundaries and 'learn from elsewhere', and 'to examine the extent to which, and the conditions under which, countries successfully import ideas from elsewhere'². Tonry notes the relative lack of systematic scholarship on

² The third (and most important) function identified by Tonry is the evidence provided by cross-national comparison about the impact of different policies and practices on patterns of crime and punishment

these topics which, he argues, require 'serious attention' by researchers (2015: 513).

The remainder of this paper responds to Tonry's challenge by seeking to develop greater methodological clarity about how such work might be undertaken.

Studying cross-national policy movement in crime control

The study of policy transfer emerged from earlier research on cross-jurisdictional policy 'diffusion' (Walker 1969, Eyestone 1977), which 'connotes spreading, dispersion and dissemination of ideas or practices from a common source or point of origin' (Stone 2004: 546). Much of this work is based on large-scale statistical research designs that develop and test theories about patterns of, and explanations for, policy diffusion. A recent crime-related example used quantitative network analysis to study the diffusion of global policies relating to transnational crime problems such as corruption, human trafficking, and cybercrime by 193 countries (Jakobi 2013). Another important study of crime policy diffusion was undertaken by Sharman (2008), who analysed the diffusion of anti-money laundering (AML) policies in parts of the developing world. In contrast to the statistical approach of much diffusion research, Sharman undertook qualitative interviews with key policy actors that highlighted a combination of diffusion mechanisms promoting the widespread adoption of AML policies framed by the 'Financial Action Task Force' (FATF)³, despite a lack of strong evidence about their instrumental effectiveness. These included elements of coercion, competitive pressures to attract inward investment, and policy 'mimicry' amongst adopting nations. Studies of crime policy diffusion remain relatively rare, aside from some works that examine the spread of criminal justice policies between different states of the USA (Makse and Volden 2011). Stone (2004: 547) argues '[t]he strength of the diffusion approach has been to generate

³ The FATF is an inter-governmental body established at the summit of the G7 nations in Paris in 1989 with the aim of examining money laundering techniques, reviewing AML policies at national and international levels, and promoting further measures to be taken to combat money laundering in the future

robust results as to which states are likely to adopt innovations' but suggests that it is also subject to important limitations. Most notably, measuring policy outcomes with crude dichotomous variables offers, at best, correlational findings. As Stone (2004: 547) states, 'identifying patterns of policy adoption' implies the neglect of 'the political dynamics involved in transfer', with the effect that many 'diffusion' studies fail to capture the complexity of differences between national contexts.

Moving on from diffusion studies, some criminologists began to draw on notions of 'lesson drawing' (Rose 1991) and 'policy transfer' (Dolowitz and Marsh 1996, 2000) that developed within political science. Such studies tended to focus upon a particular area of policy and examine the ways in which 'knowledge about policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting' (Dolowitz and Marsh 2000: 5).

Whereas 'lesson drawing' research explores how policy makers voluntarily gather evidence about policy exemplars in other jurisdictions and apply this (or not) to domestic problems (Rose 1991, 1993), policy transfer research acknowledges that such policy movement may be voluntary or coercive, or some combination (Dolowitz and Marsh 1996: 344; James and Lodge 2003). 'Coercion' implies that it may be prompted by 'one government or supra-national institution pushing, or even forcing, another government to adopt a particular policy' (Dolowitz and Marsh 1996: 344).

One implication of this distinction is that studies of 'lesson drawing' are primarily oriented towards the limited objective of enhancing the practice of public policy-making whereas 'policy transfer' research has a broader interest in the political dynamics that influence policy movements between contexts. Policy transfer scholars have generally favoured comparative qualitative case studies of specific policy areas and their preferred methods for studying the political dynamics of these movements have centred on interviews with policy actors who possess insider knowledge of the

policy transfer process, together with documentary analysis (Benson and Jordan 2011). Within criminology, a few scholars have drawn upon the ideas and terminology associated with policy transfer to try to make sense of the complex interplay of exogenous and indigenous factors that shape crime policy in particular contexts. Some of these are not based on primary empirical research but rather draw upon existing studies to interrogate the problems of attempting to transfer crime policies from distinctive political, legal cultural and economic contexts into very different circumstances (Steinberg 2011, Blaustein 2016)

Empirical studies of cross-national crime policy transfer have been rare but there have been a number of important exemplars. Prominent examples have focused on 'zero tolerance policing', 'privatized corrections' and 'three strikes sentencing' (Jones and Newburn 2007), and 'Justice Reinvestment' (Brown *et al.* 2015). These studies provide critical tests of theoretical propositions that suggest policy transfer is a significant factor in explaining the patterns of crime control policy in 'importer' jurisdictions. The initial step in such studies was to select specific models or programmes of crime control policy that were widely regarded as originating in other countries. Combining systematic documentary analysis (including legislation, policy documents, legislative debates, governmental reports, and media accounts) and qualitative interviews with key policy actors, these studies aimed to examine the extent, nature and impact of policy transfer processes in recent history. This required a comparison of the 'policies' in both settings including 'policy talk', policy content and instruments, and the ways in which these policies emerged and were implemented. It also involved analysis of the process of policy change via insider accounts of how far and in what ways the policies travelled, which actors and institutions were involved, what happened to policies in transit, and how they developed after arrival. The methods deployed in these studies have considerable similarity with those of historical and life history analysis, with a timeframe that

necessitates accessing of a range of historical archival resources (Tosh, 2015). The policy transfer researcher, like the contemporary historian (Hennessy, 2013), faces considerable challenges in identifying and accessing policy documents and key policy actors (particularly those at senior levels of government and/or in politically sensitive and securitized areas) and interpreting accounts of sometimes quite distant events.

Other criminologists have adopted a different approach, providing 'insider' accounts of crime policy transfer 'as it happens' by researchers who have been able to directly observe or participate in policy development. For example, the involvement of Durnescu and Haines (2012) in a UK-funded probation reform project in Romania, allowed for ethnographic research to inform their reflections. McFarlane and Canton (2014) brought together a range of insider perspectives on policy transfer relating to a probation reform project between the UK and Turkey. A number of doctoral studies undertaken by criminal justice practitioners have explored the policy transfer process from the 'transfer agent's' perspective, including studies by retired police officers working as consultants overseas (Hartley 2018).

These criminological studies of policy transfer assume a degree of 'reality' to policy exists independently of the ways those policies are narrated or discursively constructed (Marsh and Evans 2012). By contrast, 'critical policy studies' scholars have offered a number of trenchant criticisms of what they term the 'orthodox' political science approach to studying 'lesson drawing' or 'policy transfer', and have proposed what they take to be the more fluid and complex notion of 'policy mobilities' (McCann and Ward 2012a; Peck 2012; Peck and Theodore 2009, 2010; Tenemos and McCann 2011). This critique is assessed in more detail elsewhere (Newburn *et al.* 2018), but in brief such approaches argue that 'orthodox accounts': a) pay insufficient attention to the processes of policy mobilisation and the

political/ideological contexts that shape the agency of political actors b) are overly focused on purported policy transfers between nation states, c) make simplistic assumptions about 'policies' being transferred as complete packages and d) impute an implausible degree of rationality to the process of policy choice. Rather than attempt to define, measure and track stable and coherent 'policies', such scholars argue that policies should be viewed as ever-shifting collections of elements which are always in the process of being (re)assembled. Such 'policy assemblages' are socially constructed within particular institutional, ideological and political contexts. The systematic empirical study of such 'assemblages' is best undertaken, McCann and Ward (2012b) suggest, via the use of multi-site ethnographies, enabling researchers to capture the dynamism of policy mobilities in different sites where policy knowledge is created, mobilized and assembled. Similarly, Peck and Theodore (2012) call for a 'distended case approach' that attends to the 'breadth' of transnational policy movement, as well as the 'depth' in terms of policy implementation and practice in sites of adoption or emulation. Such proposed research designs incorporate a range of methods, including ethnographic approaches, qualitative interviews, documentary and archival analysis, and observation .

Whilst traditional policy research focuses on territorially bounded research sites, mobilities researchers explore the multiple and mobile situations which shape policies. According to McCann and Ward (2012b: 46), this necessitates an approach of 'following of people, policies and places' through space and time, 'moving with' the key transfer agents and other policy actors who construct, circulate, resist, modify or consume 'policies' through their day-to-day practices. Such approaches draw heavily upon earlier work on 'multi-site' and 'global' ethnography respectively (Marcus 1995, Burawoy *et al.* 2000) that emerged in response to challenges to the

validity of established social scientific research methods raised by the disembedding of social relations from particular communities and places.

There are currently only a few crime policy-related examples of research grounded explicitly in the 'policy mobilities' approach, although some have proceeded from similar orientations. Blaustein's (2015) immersive study of the international community's attempts to introduce 'Western' models of community safety governance and community policing in post-conflict Bosnia and Herzegovina *circa* 2011. Blaustein's role as an intern at the United Nations Development Programme allowed him to become immersed in different stages of a security sector reform process. His methodology combined ethnographic methods with interviews and documentary analysis for the purpose of understanding the ways in which policy actors worked to actively construct 'policy' on the ground. This immersive approach was informed by the work of Lendvai and Stubbs (2009: 677) on 'policy translation' which advocates 'the need to pay attention to the ways in which policies and their schemes, content, technologies and instruments are constantly changing according to sites, meanings and agencies'. Mendez *et al.* (2018) drew on the 'policy mobilities' approach to analyse 'what happens when community policing travels' between the global North and the global South. The study was based on data from interviews with a range of stakeholders in Jamaica, including local citizens and with professional 'providers' of community policing. The analysis illustrates how differing conceptual understandings of the nature of community policing, and the policy problems it is intended to address, shape the ways in which US-inspired ideas of community policing are manifested in particular local contexts. McMenzie *et al.* (forthcoming) drew on the 'policy mobilities' framework to analyse how the 'Swedish model' of sex work regulation was introduced to Northern Ireland. The authors used interviews with elite stakeholders and narrative analysis to examine 'the importance of connective sites through which the policy mobilisation was shaped'. The study highlighted how

particular conceptions of the policy 'problem' were constructed by key policy actors, and specific policy solutions promoted via temporary but influential 'couplings' within the relevant policy assemblage. Finally, Cristina Tenemos (2015, 2016), an influential writer within the field of critical policy studies, adopted the extended case study approach to undertake a major international study of the global mobility of harm reduction responses to drug use (a policy field much discussed by criminologists).

The work of critical policy studies scholars offers significant potential to enhance the study of cross-national policy movements by criminologists. The more recent critical policy studies literature has provided indications of how the term 'policy assemblage' might be operationalized for the purposes of empirical investigation (Wood 2016; Baker and McGuirk 2017, Tenemos and Ward 2018). However, it is not entirely clear from such work whether their methodological prescriptions are completely distinct from the more recent contributions of political scientists undertaking research on policy transfer (Marsh and Evans 2012). If research in this area is to develop and expand then greater clarity about methodological approaches is required, which we discuss in the next section.

Principles, practicalities and ethics of researching policy movement

Like Marsh and Evans (2012), we consider the divide between 'traditional' political science approaches and the more recent 'mobilities' alternatives as less substantial than suggested by the original 'critical policy studies' critiques. We regard 'policy mobilities' approaches as an important and stimulating development of a field of multi-disciplinary study that necessarily has a variety of research objectives, rather than implying a radically different methodological paradigm. That said, while encouraging methodological 'ecumenicalism' is fine in principle it remains vital to encourage clarity about methodological choices. We discuss such choices in the

context of three inter-related issues: *research design principles*, *methodological practicalities*, and *ethical considerations*.

Principles of research design

Methodological choices are shaped by important, sometimes implicit, principles of research design. Three of the most important of ontological and epistemological positions,, the related ways in which the research 'problem' (or object of study) is defined, and the specific kinds of research questions that flow from this.

Arguably the most fundamental factor affecting research design is the basic *ontological position* taken by the researchers involved, and this is the most obvious distinction separating those undertaking policy transfer research within a traditional political science tradition from interpretivist critics of such work. Such ontological positions of course have epistemological implications. In broad terms, constructivists, (such as most critical policy studies scholars) view 'policy' as a discursive construction rather than having an objective 'reality', and as such favour approaches based on inductive reasoning and theory-building. Baker and McGuirk (2017) set out four 'epistemological commitments' displayed by scholars adopting an 'assemblage' approach to studying policy mobilities. These include a commitment to 'revealing multiplicity', understanding the notion of 'processuality', exploring the 'labour' of assembling/taking apart/reassembling, and notions of 'uncertainty' (avoiding the adoption of rigid explanatory frameworks). In fact, we would argue that such a focus is more a matter of emphasis than of any fundamental epistemological difference, and that scholars from other disciplinary traditions might similarly emphasise such aspects of policy formation. Of course, realists – the ontological position underpinning most political science and criminological work in this field – proceed on the assumption that 'policy' has some objective existence independent of the ways in which it is constructed or narrated discursively, and are more likely to lean towards

deductive forms of reasoning and theory-testing. Although the constructivist critique suggests the divide between ontological positions is an unbridgeable one, the ontological and epistemological frameworks of many social researchers vary much more subtly (Bryman 2016: 34) and are better thought of as lying somewhere on a continuum. The position that researchers occupy on the continuum between realism and constructionism clearly has an important impact on the way their research is designed and conducted, and this needs to be acknowledged more explicitly in research on policy movement. Within criminology, as in political science, differences in ontological and epistemological positions are not resolvable by reference to empirical research (Marsh and Evans 2012). But explicit engagement with the philosophical assumptions underpinning a particular construction of the research 'problem' posed by cross-national crime policy flows (and of the ways in which it is rendered 'researchable') is a key first step to productive inter-disciplinary work in this field.

A related consideration concerns how the researcher understands their primary *object of study*. Key to empirical investigation of policy transfers is recognition of the fact that public policy itself is a complex, multi-faceted concept. The way that crime control 'policy' is defined and operationalised is central to issues of research design and method. Scholars working in the fields of public administration and policy analysis have provided working definitions of what they take to mean 'policy', and these have been influential in subsequent studies of transfer. For example, Anderson (2014:7) defines policy as a 'purposive course of action followed by an actor or set of actors in dealing with a matter of concern'. An important distinction is made in the political science literature between two key policy dimensions, concerned with 'process' and 'substance' respectively (see also Colebatch 2009 for an insightful analysis of notions of 'policy').

Paying due regard to the dynamic and processual feature of policy-making makes the 'research object' something of a moving target, but it is possible to analyse the 'substance' of policy at a particular point in time. This requires an analysis of the different substantive levels of policy. Some criminological studies of policy transfer have taken formal policy documents or legislation as the object of study, as these capture the 'actual choices of government' (Bernstein and Cashmore, 2000: 70). However, other scholars working within political science and public administration have suggested that a more complex analysis of policy 'levels' is required (Bennett 1991, Dolowitz and Marsh 2000). These different cross-sectional dimensions are usefully captured in by the analytical distinctions made by Pollitt's (2001) account of the international spread of policies associated with 'new public management' when he differentiates between policy 'talk', policy 'decisions' and 'policy action'. The broader concept of a policy 'assemblage' is potentially helpful in sensitising researchers to the wider array of contextual influences and dynamic processes of policy-making, and the essentially emergent nature of public policies. But it is important to be aware of the risk of stretching the concept of 'policy' so far as to render it, if not indistinguishable from its broader context, extremely difficult to capture empirically (Marsh and Evans, 2012). In our view it is perfectly possible to examine different, more or less 'concrete' manifestations of particular crime control policies without either reducing the concept to a simplified and static notion or evacuating it of its tangible and material substance. Indeed, recent work on crime policy mobilities has helpfully combined analysis of political science-inspired notions of 'policy levels' with 'mobilities' concepts of policy assemblages in order to interrogate the dynamic processes of knowledge formation and exchange that shape the form and mobilisation of policy (McMenzie *et al.* forthcoming).

This relates to a broader question about the object of study, and how far criminological interest in cross national crime policy movement approaches the

phenomenon as an independent variable, a dependent variable, or both (Evans and Davies 1999). In a number of the studies discussed above, criminologists have focused on the study of 'policy transfer' as a dependent variable and therefore as being an interesting phenomenon in its own right. Such studies aim to explore its prevalence, the different forms that it takes, and how it is impeded or facilitated by other variables. Alternatively, policy movement might be considered as one of a number of possible dependent variables within a broader study of crime policy formation, with the overall object of study in need of explanation as the overall trajectory and pattern of crime control policy in a particular jurisdiction. In such studies, policy transfer and related concepts are interesting as possible explanatory factors (but not the only ones) that can help shed light on how and why policy emerged in the way that it did. The mobilities perspectives advanced by human geographers have made a particular contribution here by privileging the study of place, and considering how its cultural, economic, political and social characteristics have impacted on, or been influenced by, policies borrowed or imposed from abroad (Wood 2016)⁴.

Finally, as with all social research, the choice of research design in the study of policy mobility (and the related set of methods) will be determined by the *nature of the research questions being asked*. Different kinds of policy mobility study ask different types of questions, and these may be grouped broadly within one or more of the categories of description, understanding/explanation, and assessment. It could be argued that detailed and accurate description can be useful in itself, and function as a precondition for the other categories. For example, 'who transfers policy', 'what is transferred', 'from (and to) where are policies transferred', and 'what are the different degrees of transfer' are classic descriptive questions (Dolowitz and Marsh

⁴ See also the various contributions to the Special Issue of Environment and Planning 44(1), 2012

2000). Much policy diffusion research is engaged in detailed descriptive mapping of the spread of particular policies over space and time (although some studies then go on to address more ambitious kinds of questions).

A second category of research question relates to issues of understanding and explanation of the patterns revealed by descriptive research. The core questions of interpretative research focus on the ways in which policy actors construct meaning in particular social circumstances and the inherently political features of the policy formation processes. How are policies defined and shaped, what kinds of policy knowledge are mobilised and why are some policy models rather than others selected as exemplars? Different classes of questions imply distinct choices of method. Recent quantitative studies of diffusion, for example, have attempted to test different theories about the key mechanisms that explain patterns of adoption of policies across jurisdictions. On the other hand, qualitative research designs tend to be more suited to the exploration of the complex generative mechanisms influencing the factors that shape policy development. Qualitative case studies of crime policy mobility have attempted to illuminate the processes via which policies travel, the motivations of policy actors in promoting or resisting transfer, and the institutional and ideological contexts of the policy fields that condition these processes (Mendez and Jaffe 2018; McMenzie *et al* forthcoming).

A final category of research question covers issues of assessment and evaluation. Whilst some criminological researchers actively distance themselves from the enterprise of 'administrative criminology' (Young, 1987), others adopt a more pragmatic approach, seeing the potential of research to influence policy and taking this to be one of its core objectives (Mayhew 2016; Hough, 2014). Such choices are reflected within the field of cross-national crime policy flows, some seeing it as an opportunity to explore the effectiveness of policies that are transferred into different

cultural, political and legal settings with a view to improving the process of 'learning from elsewhere' (Tonry 2013). Indeed, all studies of policy movement are shaped by normative judgements about the benefits or otherwise of particular policy flows, although these are often implicit. Much of the critical policy studies work on policy mobilities explores the circulation of 'neoliberal' urban management models, often travelling from the Global North to the Global South. Concerns about the appropriateness and impacts of such policies are a core theme of such research. The same applies to studies of crime policy movement, where normative concerns, whether they be explicitly foregrounded (Wacquant 1999; Swanson 2013) or implicit (Durnescu and Haines 2012) are generally present. Other studies have been explicitly critical of the negative impacts of attempts to introduce crime control policy programmes developed in relatively stable Anglophone democracies into post-conflict and/or developing polities (Steinberg 2011, Blaustein 2016). Much extant work appears to have been driven from normative concerns about the potentially negative impact of policy movement and, consequently, one interesting future direction for research in this field might be to focus on areas where policy mobility appears to have had normatively desirable consequences such as the diffusion of human rights norms (Linde, 2016) or the spread of legal protections against torture (Daems, 2017).

Methodological practicalities

In addition to the principles that shape methodological choices, it is clear that there are a number of pragmatic considerations that are both important and not always explicitly acknowledged in the literature. Here we focus on three – *accessibility of data, resources available to the researcher(s)*, and the *temporality of the proposed research*.

A key practical constraint that informs the choice of research design and method in the study of policy movement concerns the *accessibility of relevant empirical data*. This has a number of distinct but related elements. First, the degree of access that researchers have to key people and places circumscribes/facilitates the choice of particular approaches. Many past studies of crime policy movement have involved elite interviews with policy actors in fields that are sensitive or securitized, often more so than is the case in other policy fields such as housing or transport. The challenge is to elicit first-hand accounts from the policy actors who have in some way exerted influence over the shaping of policy. The 'distended case study' designs proposed by some critical policy studies scholars pose even more daunting challenges of access, given their emphasis on the study of a wide range of formal and informal policy domains. Research designs incorporating ethnographic immersion within transnational policy networks have significant access and resource implications (discussed below) but presuppose ongoing contacts to both frontstage and backstage policy arenas to facilitate a deep understanding of the processes of knowledge mobilisation and policy formation at a range of levels. Indeed, the 'open-ended' and 'flexible' designs that are, according to some scholars, necessary for undertaking meaningful studies of policy mobilities multiply the challenges of research access. However, the body of work on policy mobilities in other spheres of public policy-making demonstrates that such challenges can be overcome by a combination of persistence and methodological flexibility. Baker and McGuirk (2007)'s research on US-influenced policies to counter homelessness in a number of Australian cities highlighted a number of barriers to ethnographic immersion in sites of policy-making including complex institutional structures, difficulties in identifying key individual policy actors, and issues of consent. They responded by conducting a programme of semi-structured interviews, undertaken within an 'ethnographic sensibility' and incorporating a wider range of sites than have been the traditional focus of policy transfer research.

Whilst direct access to policy elites and policy-making spaces is a major constraint for many researchers, access to secondary documentary sources – at least in relation to the formal manifestations of ‘policy’ discussed earlier – is less problematic. Indeed, a range of data sources are available (and are increasingly accessible in digital form) including legislation, official reports, consultation papers, parliamentary debates, and political manifestos. These have provided a staple resource for researchers interested in tracking policy developments across jurisdictions (Blaustein 2016). In addition, rich first-hand accounts of elite perceptions of major policy decisions and the circumstances that shaped them are available in published memoirs of senior politicians and other publicly-available accounts of key political actors (such as the fascinating recent series *Reflections* on BBC Radio 4). Of course, sources such as these provide only partial insight into the process of crime policy formation, certainly in its later stages, together with the key influences on it, but so long as their limitations are acknowledged, these still remain an important indicator of at least some dimensions of ‘policy’.

Issues of research access are connected to a second set of relevant practical considerations relating to the *status and personal capital of the researcher(s)* engaged in studies of policy movement. Access to policy elites may require a significant degree of professional credibility/authority on the part of the researcher in order to even be granted an interview, let alone develop the conditions of trust and rapport for the collection of rich interview accounts (Harvey 2011). It might be argued that such access would be more likely to be granted to high status researchers with established reputations in the field, rather than emerging or early career scholars. Within criminology, for example, Manuel Lopez-Rey was actively involved in shaping United Nations crime policy for much of his career. His experiences afforded him unique insight into the role of this institution in facilitating the global dissemination of

knowledge and policies relating to crime. Although Lopez-Rey never explicitly wrote about this phenomenon through the lens of policy mobility, he nonetheless documented what were in essence global policy formation processes in various publications throughout his career (Lopez-Rey 1957, Lopez-Rey 1985). More recently, other eminent criminologists interested in globalised forms of crime (and its governance) such as Mike Levi, have undertaken work that involves significant ‘immersion’ within elite transnational policy networks. Whilst much of this work to date is not explicitly focused on the investigation of policy ‘transfer’ or ‘mobilities’, it has huge potential to provide unique insights about such phenomena and their impact on global crime governance (Levi *et al* 2018). Access of this nature is of course rare and with both of these examples, largely a product of existing reputations and the ability to make substantive policy contributions. That said, less established scholars and those who adopt a more self-consciously ‘critical’ stance towards their object of study have recently enjoyed some success in gaining access to policy elites (McMenzie *et al.*, 2018; Blaustein 2015). The growing emphasis on ‘impact’ of academic research has increased the engagement of scholars at a range of levels with policy formation processes, and arguably has extended the access or researchers to previously more hidden parts of policy worlds (Ingold and Monaghan 2014). Finally, it is worth noting that in some parts of the world family or tribal connections may be of key importance in obtaining research access to particular sites of policy-making (rather than academic seniority or status)⁵.

A third issue of accessibility, particularly salient to comparative work, concerns the need to ‘translate’ key terms and concepts – both linguistically and culturally – to ensure that one is comparing like with like (Maranhão and Streck 2003). Even within Anglophone studies of policy transfer such challenges can be problematic.

⁵ We are grateful to Clive Walker for raising this important point

Comparisons across cultures and different language traditions requires bi (or multi) lingual researchers or research teams. Funding and coordinating multi-national projects are certainly obstacles but ones that may potentially be overcome if researchers can align their aims with international funding schemes such as the European Commission's 'Horizon 2020' programme. A recent example of successful criminological research which adopted a comparative cross-sectional multi-case research design was Devroe *et al.* (2017) which compared the politics of security across a number of European city-regions. The research design deployed research teams based in several European metropolises, each embedded within the distinctive linguistic, political and socio-legal contexts that they were studying. These teams worked to a common set of research objectives with regular interaction to address the challenges of undertaking cross-national comparisons.

This brings us to another pragmatic, yet significant issue affecting any research project. This is the nature and extent of the *resources* available (including personnel, time, and finance and related resources). So far as personnel are concerned there are a variety of factors that will serve to shape the research design choices that are eventually made. For example, studies undertaken by individual scholars will inevitably take a different shape from those involving a team of researchers.

Researchers based in a single country are likely to face different constraints in the study of policy flows than researchers based in two or more countries. The number of personnel available will also potentially affect the amount of time available for a particular research study, with knock-on consequences for the extent and depth of that work. The time available for research will also almost certainly have implications for research design choices. The extent to which 'following the policy' (McCann and Ward 2012b) is possible is therefore very much influenced by the timing of the research. A related matter is the availability of financial resources. Over and above available staff and time, finance may be of huge significance to the study of policy

flows, given that much of this work is international with clear potential for considerable travel and related costs.

The final practical consideration we wish to highlight in this paper relates to the *temporality* of policy mobilities research. Our combined experiences having undertaken research on both the 'transfer' and 'translation' of policies across jurisdictions suggests that the study of policy flows reflects the temporal position of the researcher relative to the empirical phenomenon being studied. Most research in this field has been retrospective although occasionally it involves some contemporaneous observation of the development/spread of policies. In principle, prospective studies are also possible, if rarely undertaken. Arguably, constructivist approaches, which call for immersive and experiential accounts of policy translation that involve a researcher situating themselves within policy nodes are best suited to contemporaneous forms of study. However, as noted already such embeddedness often difficult to achieve and in some cases it will be inappropriate for addressing particular research questions concerning policy mobility. In addition, the inevitable time-lag between the identification of a research problem and the commencement of fieldwork renders problematic the study of policy mobilities in 'real-time'. The nature of the questions being asked may actually require retrospective rather than contemporaneous study. As such, issues of temporality are a good illustration of the ways in which the ontological, epistemological and the practical are interrelated considerations.

Ethical Considerations

There are also a number of distinctive ethical issues to be considered. These are arguably most pronounced in, but not necessarily unique to, approaches that utilize ethnographic methods to study the assembling or translation of policies.

Accordingly, these methodological approaches serve as the primary focus for this

discussion. Our intention is not to dissuade criminologists from employing immersive approaches but rather, to draw attention to these issues in order to facilitate critical reflection about the risks and benefits of undertaking such research.

As noted previously, interpretivist approaches prescribed by critical policy scholars generally necessitate access to key informants and institutional settings, both of which may have good reasons for restricting access and concealing their efforts to shape and influence policy making processes. Blaustein (2015: 90) suggests that '[a]llowing an outsider to access these spaces [or individuals] for the purpose of interpreting the activities and the discourses that influence policy meaning and content is potentially risky because this level of transparency has the potential to undermine the ability of the host institution to legitimate their participation in the policy translation process'. Researchers should act in good faith when negotiating access to such settings and individuals. Clearly, deception as to the aims of the research likely constitutes a significant ethical infraction. Specifically, it may amount to a breach of trust, a legal infraction (for example, a breach of a confidentiality or non-disclosure agreement), or create reputational damage for the researcher's discipline that limits opportunities for other researchers to study the institution or individuals in question (Erikson 1967). Policy mobilities researchers should thus be *relatively* open about what they intend to study and how they intend to study it. We place emphasis on 'relatively' because the nature of the research may change as a consequence of one's findings and their incremental exposure to the field. Similarly, Stubbs (2015: 67) argues that full transparency is unrealistic because the researcher may be unaware of the significance of their data and its critical implications until they have left the setting in question and had an opportunity to reflect on the experience.

The process of negotiating access can also require the researcher to make methodological compromises that have ethical implications. To begin with, being

granted formal access to a policy site rarely means complete or unrestricted access. Institutional gatekeepers may restrict access to certain participants and policy making settings, thereby limiting the ability of researchers to accurately or comprehensively document politically sensitive events or participant narratives. Agencies involved with policy making, be they national or international, might also insist that researchers provide them with advance copies of their field notes and publications for review and redaction. Both of these possibilities may ultimately impact how researchers interpret and reproduce assembling and disassembling processes and this may skew their findings and conclusions. Thus, researchers should continuously reflect upon the nature of their access arrangements and their positionality in relation to the object of study and assembling agents in order to protect the autonomy and the integrity of their research.

The politics of research on cross-national policy movements are also worth considering. The approaches discussed at the start of this paper embody different normative objectives that range from enhancing the capacity of policy actors to address particular policy issues to interrogating the politics of policy mobilities in order to challenge or resist what are viewed as harmful or problematic agendas. There is of course no consensus about what constitutes a harmful or problematic policy agenda but the researcher should nonetheless consider the values underpinning the object of study as it is being assembled or disassembled along with its normative implications in relation to wider issues such as justice, equality and security (Amy 1984).

Conclusion

In this paper, we have responded to Michael Tonry's (2015) call for 'serious attention' to the issue of policy transfer and related topics in comparative criminology. We agree with him that this is an important but relatively under-studied part of

comparative criminological research and argue that in part this is due to a lack of methodological clarity about how in practice such research might be conducted. In doing so, we have drawn attention to conceptual and methodological approaches that have developed within the burgeoning 'critical policy studies' literature (primarily in human geography) which provoke serious questioning of such matters and which, we feel, provide a number of methodological templates for criminologists interested in doing work of this kind. Whilst a number of the pioneering studies of crime control 'policy transfer' adopted a qualitative case study approach informed by the frameworks of orthodox political science, some more recent studies have adopted a range of additional approaches which constitute a fruitful extension of the field. Although in practice, 'following the policy' via multi-site ethnography as proposed by critical policy studies scholars may be highly challenging to implement, elements of such approaches could be a useful addition to the study of the nature, processes and impacts of cross-national crime policy movement.

We are aware that the issues discussed here raise, implicitly at least, the interesting question of what, if anything, might be distinctive about crime control policy mobilities, compared with similar phenomena in other policy 'fields' such as education, transport or health⁶. There is not the space here to do more than offer some brief speculative thoughts, but it seems clear that the political climate within which crime control policy has been undertaken in many liberal democracies in recent decades is one likely distinguishing feature. The emotive and punitive 'symbolic politics' visible for some years in the US and the UK among others, together with the pressures of such 'hot' political climates (Loader and Sparks 2016), might have incentivised politicians and policy-makers to 'shop around' for potentially popular policy 'models' and thus render the field more open to some forms of

⁶ We are grateful to one of the anonymous reviewers for raising this interesting point

transnational policy mobility. At the same time, and paradoxically, the legal frameworks and institutional architectures of criminal justice have been closely tied to the sovereign nation state, and this arguably has acted as something of a brake on transnational attempts at policy emulation, limiting harmonization in this field. Linked to these observations, and also potentially distinguishing the field of crime control, as noted earlier in discussions of access is its relatively securitized and politically sensitive nature. Such characteristics suggest that further empirical research on transnational crime policy flows contain rich potential for illuminating policy development in domains beyond crime and justice.

The paper has set out a number of methodological issues that criminologists must grapple with while planning and undertaking research on policy mobilities. Research should be explicitly justified in relation to the researcher's philosophical understanding of their object of study, the practical opportunities and constraints they face, and ethical considerations. Recent debates between policy transfer and policy mobilities scholars, while sometimes polarizing, have nonetheless been helpful in terms of stimulating greater discussion about the theory-method relationship when it comes to the study of policy movements. We conclude therefore that there is greater scope for criminologists undertaking research on these issues to engage actively with and contribute to such discussions. Doing so requires that future criminological research on policy mobilities addresses more explicitly the principles, practicalities and ethics of research design.

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